



**City Council
Pre-Agenda Meeting Minutes
Trinity, NC
March 12, 2013 @ 4:00 p.m.
Trinity City Hall Annex**

Members Present: Mayor, Carlton Boyles; Council members: Chester Ayers, Karen Bridges, Debbie Frazier, Linda Gantt, Tommy Johnson and Ed Lohr.

Members Absent: Council members: Barry Lambeth and Kristen Varner

Others Present: City Manager, Debbie Hinson; City Attorney, Bob Wilhoit; Public Works Director, Storm Water Administrator & Interim Planning and Zoning Administrator, Rich Baker; Assistant Finance Officer, Lisa Beam; Assistant City Clerk, Annette de Ruyter; members of the media, and members of the audience.

I. Welcome (*Mayor Carlton Boyles*)

Mayor Boyles called the meeting to order at 4:10 p.m. and welcomed all those present to the meeting.

II Invocation

Mayor Boyles led the invocation.

After the invocation Mayor Boyles advised Council that a Contract to Audit had been presented and would need to be a part of today's agenda. This contract must be signed by the Mayor and the Manager. This is a formality for the City to continue this process.

Manager Hinson discussed the procedures involved for completion of the Contract to Audit, with Council members and how the Contract to Audit was processed. This Contract has to be forwarded to the Local Government Commission in order for them to know who will be performing our audit. She stated that she believed this was the last year of our contract with Gibson and Company. This contract is a formality and includes Gibson and Company's price to complete the audit as well as the proposed completion date for the audit. Manager Hinson advised Council that she had extended the date until October, 2013 instead of the normal date of September for completion of the audit.

This contract will be signed by the Mayor, the Manager, and Gibson and Company. After the contract is signed and sent to the Local Government Commission for their approval, a signed copy of the contract will be returned to the City.

Council member Bridges asked if this item could be added under New Business and could Council take action on this item today.

Manager Hinson advised Council action could be taken on this item today or simply added to the agenda and action taken at the Regular Meeting.

Motion by Council member Bridges to add Contract to Audit under New Business, Item # 11, seconded by Council member Frazier, and approved unanimously by all Council members present with Council members Lambeth and Varner absent.

At this time, Mayor Boyles asked Council to review the remainder of the Agenda.

Manager Hinson brought to Council's attention that the minutes for the February 19, 2013 Meeting was not included in their material today and would be included in the packet mailed to them on Friday. This will allow you time to review the minutes for any changes. If members feel the minutes need to be removed from the agenda they may do so at the March 19, 2013 meeting.

Motion by Council member Bridges to accept the agenda as written with the one exception (addition of Item # 11), seconded by Council member Gantt, and approved unanimously by all Council members present with Council members Lambeth and Varner absent.

III. Agenda Items for March 12, 2013 Regular City Council Meeting:

No vote is necessary to put the following item(s) on the agenda, although items may be discussed and staff may present information as necessary or requested.

Standing Report

- 1. Infrastructure Projects Update** (*Rich Baker, Utilities & Public Works, Director/Randy McNeill, Davis-Martin-Powell & Assoc.*)
 - A. Phase 4-B Contracts 1 & 2 (Braxton Craven)** (*Baker & McNeill*)
 - B. Phase 5 Sewer Extensions** (*Baker & McNeill*)

Motion by Council member Frazier to add this item to the March 19, 2013 Regular Meeting Agenda, seconded by Council member Lohr, and approved unanimously by all Council members present with Council members Lambeth and Varner absent.

IV. Reports

2. Annual Audit Report for year ending June 30, 2012 (Harold Gibson and Monty Pendry, Gibson and Company)

Motion by Council member Johnson to add this item to the March 19, 2013 Regular Meeting Agenda, seconded by Council member Frazier, and approved unanimously by all Council members present with Council members Lambeth and Varner absent.

V. Public Hearings

Mayor Boyles opened this item and called for a motion to add Public Hearing items 3 and 4 to the March 19, 2013 Regular Meeting Agenda.

Council member Ayers asked for clarification for which item Council was voting on.

Mayor Boyles stated that there were 3 items instead of the two he previously called for. Item 5 is another Public Hearing and is listed on the next page.

Motion by Council member Johnson to add items 3, 4 and 5 to the March 19, 2013 Regular Meeting Agenda, seconded by Council member Ayers, and approved 5 to 1 with Council member Frazier voting Nay.

Council member Frazier stated that she would like to do each of these one at the time.

Manager Hinson asked if Council member Johnson would rescind his motion, and if Council member Ayers would rescind his second.

Council member Johnson rescinded his earlier motion, and Council member Ayers rescinded his second to the same.

3. Public Hearing to consider entering into an Economic Development Incentives Contract with Novamelt Americas, LLC ('Company') in the amount of \$5,000.00 to be paid over a three (3) year period in return for four million (\$4,000,000.00) Investments in real and personal property and the creation of a minimum of 11 new jobs. (Bonnie Renfro, President RC Economic Development)

Mayor Boyles opened Item # 3 for discussion and motion to add to the March 19, 2013 Regular Meeting Agenda.

Council member Gantt asked if the Randolph County Commissioners had met concerning this item.

Manager Hinson stated that she had not received an e-mail from Bonnie Renfro confirming a meeting of the Commissioners on this item. There was further discussion between Mayor Boyles and Council member Frazier concerning whether the Commissioners had held their meeting or added this item to their Agenda. Attorney Wilhoit advised members that he would verify if this item had been added to the Commissioners Agenda.

During the time Attorney Wilhoit was verifying information for Council, Council member Bridges discussed the motion made at the February 19, 2013 Meeting to set a Public Hearing date for the March 19, 2013 Meeting.

Manager Hinson stated that all Ms. Renfro had confirmed was that the Company had agreed to accept the change in the amount originally requested to \$5,000.00.

Council member Ayers asked for explanation concerning the wording as shown, and stated that he was uncomfortable with the statement “we would give them \$5,000.00 and they would return \$4,000,000.00 in investment.” It was his feeling that the company was not returning anything to the City and would do this regardless whether the incentive was there or not. “People will think this \$5,000.00 would bring us \$4,000,000.00 back, and this is not correct because that would happen regardless whether the incentive was there or not.” That was Council member Ayers objection with the wording of this item.

Manager Hinson stated that the company may decide they do not want to move forward. This was the wording included in the Public Hearing Notice advertisement.

Council member Frazier asked if the language in the advertisement for the Public Hearing was a standard form and if not who wrote the advertisement.

Manager Hinson stated the wording was standard. The first advertisement listed Randolph County and the City of Trinity with each one of our respective publication dates. We published this advertisement first because the County had not met at the time we held our meeting in February. At the February 19, 2013 meeting Council decided to set a Public Hearing date for March 19, 2013.

Council member Frazier discussed the fact that the County removed this item from their Agenda and Trinity Council met prior to the County’s next monthly meeting. Manager Hinson agreed and stated that in order to meet the deadlines for our March 19, 2013 meeting date, the city and county had to publish the Public Hearing advertisement separately. Randolph County will now publish this advertisement with the same wording except they will replace the City of Trinity with Randolph County.

Council member Bridges stated that she thought the City agreed to hold the Public Hearing and that this was a formality.

Manager Hinson stated that Council did agree to hold the Public Hearing on March 19, 2013.

There was a brief discussion between Council member Frazier and Council member Bridges concerning the fact that this item had already been advertised and that the City was required to hold the Public Hearing.

At this time, motion by Council member Frazier to add this item to the March 19, 2013 Regular Meeting Agenda, seconded by Council member Bridges, and approved unanimously by all Council members present with Council members Lambeth and Varner absent.

After the motion, Manager Hinson advised Council members that Attorney Wilhoit had advised her that the Commissioners would hold their meeting on April 08, 2013. Attorney Wilhoit will have a Resolution by our Tuesday Meeting (March 19, 2013).

Attorney Wilhoit advised Council if this request was approved at their March 19, 2013 meeting, approval would be contingent upon the County approving the request with the same conditions. If the council approves this request and the County does not approve, then the City is not bound to go forward with the request.

4. Public Hearing to consider rezoning request Z 02-2013 lots 58-59 at Lakewood Forest further identified as Randolph County Parcel # 6796690328 consisting of 0.95 acres owned by Wayne Taylor Construction from R-40 to R-12.

(Rich Baker, Utilities & PW Director and Acting Planner)

Mayor Boyles opened this item and called for a motion to add this item to the March 19, 2013 Regular Meeting Agenda.

Motion by Council member Frazier to add this item to the March 19, 2013 Regular Meeting Agenda, seconded by Council member Johnson, and approved unanimously by all Council members present with Council members Lambeth and Varner absent.

5. Public Hearing to consider rezoning request Z-2013-1 for property located at 5948 Mendenhall Road Extension further identified as Randolph County Parcel # 7708430077 consisting of 2.50 acres owned by Clifford Claude Cagle, Jr., from R-40 to HC (Highway Commercial) (Rich Baker, Utilities & PW Director /Acting Planner)

Motion by Council member Johnson to add this item to the March 19, 2013 Regular Meeting Agenda, seconded by Council member Frazier and approved unanimously by all Council members present with Council members Lambeth and Varner absent.

VI. Consent Agenda

6. Approve minutes of the February 12, 2013 City Council Pre-Agenda Meeting
(Annette deRuyter, Assistant City Clerk)

7. Approve minutes of the February 19, 2013 City Council Regular Meeting
(Annette deRuyter, Assistant City Clerk)

Motion by Council member Frazier to add this item to the March 19, 2013 Regular Meeting Agenda, seconded by Council member Ayers, and approved unanimously by all Council members present with Council members Lambeth and Varner absent.

VII. New Business

8. Adopt Resolution for Issuance of Bonds for Trinity Old Town and Phase 4 Sewer Projects. (City Manager)

Manager Hinson advised Council that she received information from the bond attorney that Council could take action on this item at the March 19, 2013 Regular Meeting Agenda. She shared information that she received in an e-mail from Mr. Gordon Johnson with the Treasures

Office, stating that the bond issue is scheduled to close on March 25, 2013. He advised me that I should contact Ed Lucas (Bond Attorney) if the city is thinking about delaying approval process until March 19, 2013.

Manager Hinson advised Council that she had tried to contact Mr. Lucas prior to this meeting concerning the change in date, but did not receive an answer. She asked Attorney Wilhoit for his suggestion on how the City should proceed.

There was discussion between Manager Hinson and Attorney Wilhoit concerning whether the deadline date of March 25, 2013 could be met if Council waited until the March 19th, 2013 meeting to take action on this item. After discussion, Manager Hinson advised Council that this item could be added to the Agenda and she would overnight information to the appropriate parties on March 20, 2013.

Manager Hinson advised Council this action is needed to close out the projects for Phase 4 and Braxton Craven Sewer Project. It will close out the original bond amount plus the additional amount borrowed for the Braxton Craven Project. This bond is scheduled to close out on April 24, 2013. By approving and closing this loan in March, the interest rate will decrease from a 3.50 percent per annum (interest rate if we close in April) to a 3.125 percent per annum (interest rate by closing in March.) The State Treasures office will hold disbursement of funds until April. Completing this transaction in March will equate to a substantial amount of savings for the City.

After a brief discussion concerning what was included in the Resolution, that action on this item is a formality needed to close the bonds, and in an effort to assist the Manager, ***motion by Council member Bridges to approve Adoption of the Resolution for Issuance of Bonds for Trinity Old Town and Phase 4 Sewer Projects, seconded by Council member Frazier and approved unanimously by all Council members present with Council members Lambeth and Varner being absent***

9. Approve Resolution to NCDOT requesting Osborne Street be added to the City of Trinity street systems.

(Rich Baker, Utilities & PW, Director/Randy McNeill, Davis-Martin-Powell & Assoc.)

Mayor Boyles opened this item for discussion and or action.

Mr. Baker briefed Council on this item stating this street is located in the Phase 5 project and if the City takes over this street the manholes can be moved to the other side of the ditch line. Taking over this street will also save us a tremendous amount in easement costs. Due to the revisions made, we will need to place the line deeper on the last 400 (+ or -) feet of this line. That is why we are asking Council to consider taking over Osborne Street.

Council member Frazier asked if the Resolution to take over the Street was all that was included in Council's packet. Mr. Baker advised Council that only the Resolution was included.

Council member Ayers asked about the condition of the road after construction.

Mr. Baker stated that when we take over this street it will be in the same condition as it is today. Part of the plan for Phase 5 is to place a pavement overlay on this street.

Council member Ayers asked if repairs to this road were included in the bond monies and if any Powell Bill funds would be used to bring it up to standard.

Mr. Baker advised Council that original repairs to the street would be made and paid for by bond monies. Both Mr. Baker and Mr. Randy McNeill, engineer with Davis Martin Powell, stated that we would use Powell Bill funds to resurface the street after the project because it would save expending monies from the bond funds.

Council member Frazier stated, "This had nothing to do with the City since we have already voted to take over the street. This is for the state and a formality."

Mr. McNeill advised Council this Resolution had to be returned to the state by March 15, 2013. If the City would like to take this street over in the next 12 months you will need to approve this Resolution prior to Friday.

Motion to Approve Resolution to NCDOT requesting Osborne Street be added to the City of Trinity street system by Council member Johnson, seconded by Council member Ayers, and approved unanimously by all Council members present with council members Lambeth and Varner absent.

10. Approval of Final Subdivision Plat for Colonial Village Phase ~~5~~ 7.
(Rich Baker, Utilities & PW Director and Acting Planner)

Mayor Boyles opened this item for discussion and or action.

Mr. Baker provided maps of the Final Subdivision Plat for Colonial Village to Council members at the meeting.

He advised Council this map should represent the final phase for Colonial Village. This plan was approved 2 years earlier, but each phase must be platted. I have researched this plat to make sure it is identical to the one previously approved. Mr. Baker asked Council if they knew when Colonial Village was approved. Council members advised Mr. Baker this plan was first approved in 2005.

He advised Council that the proof roll for the streets had been completed; however, he had not been by the development to verify the asphalt had been laid on the roads.

Council member Gantt advised Mr. Baker she went to this location earlier today and the asphalt was thin. Mr. Baker said this was the base coat, and what the developer will put on the streets until the construction is finished.

Mr. Baker advised Council that the developer has asked if Council would consider approval of this item tonight. He has buyers for the lots and he is unable to sell them until this plat is recorded.

Council member Gantt asked if the City would be taking over the streets. Mr. Baker stated that we would not be taking over the streets until the development was built out. Council member

Bridges and Council member Frazier discussed what they had been told earlier. Council member Frazier stated that in the past Mr. Baker had advised Council that when the plat was accepted the City took over the streets. Council member Bridges stated that was what happened in Steeplegate North.

Council member Bridges stated it was not her intent to take over the streets until the builder has completed them. Council member Frazier agreed and also cited “not without houses in this location. If the street is built to code and there are no houses on there they will tear up the streets building the houses in this location.”

Council member Gantt asked if the streets were finished in this development.

Mr. Baker advised Council that he had not visited this location to verify whether or not the asphalt had been poured.

There was discussion between Council member Gantt, Mr. Baker, and Council member Frazier concerning whether the top layer of paving had been installed on Montana. During discussion it was Council member Frazier’s thought’s that the developer was paving on Montana as well.

Council member Gantt asked if Montana was finished.

Mr. Baker advised Council member Gantt that he could not remember if Montana had the top layer installed.

Council member Frazier thought that the developer was paving on Montana as well.

It was Council member Gantt’s feelings that when construction started in this area and construction traffic began coming in they would damage the existing streets.

Mr. Baker stated it was the City’s responsibility was to make sure damages were not incurred, and if they are, the developer will have to repair them.

There was discussion among Council members concerning whether the plat presented was a final or preliminary plat. Mr. Baker advised Council members that the statement Final Plat was on the map because it was taken directly off the big set of plans that were approved.

Mr. McNeill, engineer with Davis, Martin, Powell advised Council that the word “preliminary” did not mean it was a preliminary submittal. It means it is a preliminary submission of the final plat because it does not have a surveyor’s seal on it.

Council member Frazier read the words located on the map “approval of final subdivision plat Colonial Village, Phase 5.” Council member Gantt discussed information that identified this as Phase 7. Mr. Baker agreed this final phase was Phase 7, and the plat would be changed to read correctly.

Mr. Baker and Council discussed the description on the Agenda concerning this item. The agenda describes this as Phase 5. After discussion, Council member Frazier asked if the agenda should be Phase 7. Mr. Baker answered yes. (The description on the Agenda for this meeting,

March 12, 2013 will be changed to reflect the correct Phase number for the March 19, 2013 meeting.)

Council member Bridges discussed the wording “approval of the final subdivision plat.” It states clearly in our Subdivision Ordinance “no sub-division plats will be granted final approval until the required improvements have been made, one of which is streets and all associated improvements including drains, shall be constructed by the sub divider in accordance with the specifications and standards of DOT and approved by the city.”

Mr. Baker stated if we have the developer do this and then they drive the trucks on the streets it is the same problem that we are having at Steeplegate North. They will be driving the trucks on finished streets. How will they get their building materials to the location?

Council member Frazier suggested the City not take over the streets until the development is 80 to 85% complete.

Council member Gantt discussed the problems that had occurred with the streets with the streets located in Steeplegate 2. It was her opinion that Council was not aware maintenance was assumed on these streets until we were advised Powell Bill dollars were being expended for repairs on these streets. That is why Council is being more careful with this plat review and plat approval.

Council member Frazier asked, “if we approve this plat do we take over these streets? That is the question.

Council member Gantt stated “she didn’t understand why the developer can’t go ahead and build the houses.”

Mr. Baker and Mr. McNeill advised Council members the developer could not sell the lots until the plat has been recorded with the Register of Deeds Office.

It was Council member Bridges opinion, if the plats were going to be recorded and the City is in effect taking the streets over, the city will need to have a guarantee that the work will be completed up to specifications.

Council member Ayers called on Attorney Wilhoit for direction.

Attorney Wilhoit suggested that the city require a bond.

Council member Lohr felt the developer should have to put up more than just the amount due at this time to prevent the city from incurring a loss. It was his opinion that if the estimate comes in at five hundred thousand dollars (\$500,000.00) then the city should require a one million dollar (\$1,000,000.00) bond.

Council member Frazier asked why the developer could not sell lots here (Colonial Village) until the final plat is approved, when there was already three (3) houses built in the Steeplegate North development prior to Council’s approval of Steeplegate North. This occurred prior to her becoming a Council member. When I asked why we had taken it over with only three (3) houses

I was told that it was normal procedure to take it over when 80% of the development was complete.”

Mr. Baker stated, “That is usually when I would accept it.”

Council members asked Mr. Baker why Council was being asked to accept this plat since there are no homes there.

Mr. Baker referred to the language located in the Subdivision Ordinance that states when the City will take over the development.

It was Mr. Baker’s opinion that they should not have been able to build in Steeplegate North because it was not sellable property. I have no idea how this was done and do not have an answer for that.”

Council member Ayers asked if there were guidelines or language that talked about the condition of the roads.

Mr. Baker advised Council that the roads must meet NCDOT standards.

Council member Ayers asked if this applied to repairs as well. Mr. Baker stated that was correct.

There was discussion between several groups of Council that included questions concerning the approval of the plat and consisted of the following questions.

1. Could the City approve this request and ask for a bond?
2. Should the city ask for the bond prior to approval?
3. Is there an Ordinance that specifies how much development must be complete before the city takes over the streets?

Mr. McNeill discussed the issues located within the Subdivision Ordinance that presented compliance problems.

Council member Gantt discussed her thoughts on how other municipalities addressed this situation. It was her opinion other municipalities did not take over the streets until the area was at least 80% complete.

Council member Frazier discussed her conversation with Mr. McNeill at the first meeting when this issue first came up. He advised her it was normal procedure to take over the roads when they are at least 75% complete. She said she asked that question, and “her question remains why you are saying that the developer can’t sell and build until we take it over?”

Mr. McNeill advised Council that they could approve the plat without taking over the streets if the Ordinance allowed it. Mr. Baker replied that Mr. McNeill was correct, but the Ordinance did not require this at this time. The City would need to make changes to the Ordinance to incorporate this requirement.

It was Council member Frazier’s feelings that the City should investigate the City Ordinance before approaching approval or disapproval of this.

Council members discussed the improvements that were required on page 16, article 7 of the Ordinance concerning Guarantee of Improvements.

There was discussion between Mayor Boyles, Mr. Baker, and Council member Johnson concerning prior procedures used by developers.

Mayor Boyles replied that the developer does not usually bring the street up to NCDOT standards until after the homes are built.

Council member Johnson and Mr. Baker discussed how the city had allowed developers to complete the previous phases, and if there were any issues using this method.

Mr. Baker advised Council member Johnson that a proof roll and base coat of asphalt had been completed. This is the procedure followed in prior phases and there were no problems or issues.

Council member Bridges stated “that the Subdivision Ordinance read that there is a Guarantee of Improvements, whereby, the city can get cash or certified check, surety bond, or irrevocable letter of credit.” It was her opinion that we needed one of these before Council continues.

There was discussion between Manager Hinson and Council members concerning whether any of these things had been required in the past. Manager Hinson advised Council that she believed a surety bond had been supplied with some of the earlier phases. She did not feel that the owner Mr. Millis would have any problems providing a surety bond because he has done this before.

Council member Gantt felt the City should acquire a Guarantee of Improvement as defined by Council member Bridges before proceeding.

There was discussion concerning whether to approve this plat contingent upon a surety bond or to place this item on the Regular Meeting Agenda for March 19, 2013.

Mr. McNeill advised Council members that curb and gutter as well as utilities had already been installed in this area.

It was Council member Ayers feeling that it was prudent that the City have the bond first prior to moving forward.

Manager Hinson asked what amount Council wanted to set on the bond.

Mr. Baker advised Manager Hinson that the amount would need to be determined.

There was further discussion concerning the deadline date for the Guarantee of Improvement to be received by Council, to allow this item to be placed on the March 19, 2013 Regular Meeting Agenda. Also discussed were the three options that could be used by the developer for the Guarantee.

It was the consensus of the majority of Council members present that the information concerning the Guarantee and any other information needed, be placed in the packet provided to Council on Friday, prior to the Regular Meeting of March 19, 2013.

Manager Hinson advised Council that she would put this item on the Agenda if the information was received in time to include it with the mail out to Council on Friday and would not include it on the Agenda if it was not. Council member Gantt stated that Council could do this at Pre-Agenda in April if they had too.

After further discussion whether this was to be included on the March 19, 2013 Agenda, Manager Hinson advised Council that a motion was needed to add this item to the Agenda if she received the information on time to get it into the March 19, 2013 packet to Council.

Motion was made by Council member Johnson to add to the Agenda contingent upon the surety bond or other means of securing the pavement process is in place, and if not remove from the Agenda.

Manager Hinson stated that this information would have to be included in the Agenda packet prior to mailing on Friday.

Council member Frazier asked what the developer must have prior to the motion being seconded.

Council member Bridges stated that it would be added to the Agenda packet if we have a surety bond, cash or certified check, or an irrevocable letter of credit.

Attorney Wilhoit stated that there needed to be an estimate for the costs included.

Mr. Baker stated that he would get that information.

Mayor Boyles called for a second to the motion.

Council member Lohr seconded the motion. The motion and second was approved unanimously by all Council members present with Council members Lambeth and Varner absent.

VIII. Staff Reports

11. Contract to Audit (Manager Debbie Hinson)

This item was added to the Agenda at the beginning of the meeting upon motion by Council member Bridges to add Contract to Audit under New Business, Item # 11, seconded by Council member Frazier and approved unanimously by all Council members present with Council members Lambeth and Varner absent.

This item was added to the Agenda per information listed above. Discussion for this item took place at the time this agenda was amended.

Council member Frazier discussed with Manager Hinson if it was her desire to have action taken on this item at this meeting. Council member Bridges stated this was a formality since this was the 3rd year of the contract between the City and Gibson and Company.

Motion was made by Council member Frazier to complete Contract to Audit, seconded by Council member Bridges and approved unanimously by all Council members present with Council members Lambeth and Varner absent.

12. Code Enforcement Report *(Rich Baker, Utilities & PW Director/Acting Planner)*

Manager Hinson advised Council that staff was working on a couple of items and in the process of resolving them. We would like to ask that Council allow Mr. Baker to present this item at the March 19, 2013 Regular Meeting Agenda. He will have the spreadsheet and information up to date and will present them to you at that time.

Motion by Council member Bridges to add the Code Enforcement Report to the March 19, 2013 Regular Meeting Agenda, seconded by Council member Johnson and approved unanimously by all Council members present with Council members Lambeth and Varner absent.

IX. Business from City Manager and Staff
Phase 5 Preliminary Engineering Report (PER)

Manager Hinson asked Randy McNeill if he would like to brief Council on this item.

Mr. McNeill advised Council members this was the document needed to pursue monies for the Phase 5 sewer project. He advised members if any of them had questions he would be glad to meet with them later together or individually.

X. Business from Mayor and Council

Council member Lohr stated he had some questions but had asked Council member Ayers to read them since he was having trouble with his vision.

Council member Ayers stated that Council member Lohr had asked him to read the following questions.

1. What certifications do our employees have?

Council member Frazier asked which ones.

Council member Lohr stated all of them. He was referring to degrees employees may have such as a welding degree. It was his opinion that you can't get a job anywhere if you don't have a degree or certifications. For example, it doesn't matter how good of a mechanic you are unless you have a certification saying that you have been to school.

Manager Hinson advised Council the actual job certifications (requirements) were listed in the Retreat Book. I do not have listed what degrees or job certifications each one of us have but the job descriptions listed describe what the City requires for the job. Some of them require college, some of them experience, some of them degrees or combinations of both. I do not know what each employee has in files.

Council member Lohr asked if all resumes were on file. Manager Hinson stated that all resumes were on file.

Council member Ayers stated that was the next question.

2. Are employee resumes on record?

Manager Hinson stated that everything is in the employees file.

3. Do you have copy of driving records?

Council member Lohr asked if driving records were available for anyone who drove a city vehicle. He stated that employees had to have their record on file for any company that he had ever worked for and each year the employee had to provide a written statement whether they have had any violations over the last year.

Manager Hinson asked Attorney Wilhoit if this applied to the city. She knew it applied to anyone with CDL's, but does it apply with regular driver's license.

Attorney Wilhoit stated normally the insurance carrier wants to know who drives what vehicle. We can certainly check this.

Council member Bridges apologized for interrupting, and stated she knew that is what they did with her agency. Every year when employee updates are done we are required to provide our driver's license. The insurance company checks everybody that drives.

Council member Lohr advised the Manager that she could ask the Police Department and they will print them out for you.

Council member Bridges stated that the insurance company will check records because they have a record of any claim or violation. Ours are checked every year, no matter whether personal vehicle for any company business, or if we use any of the agencies vehicles.

Council member Lohr discussed the process followed by his son regarding record check. Once a year he is required to complete paperwork listing whether or not he has received any violations during the past year.

Manager Hinson advised Council the City does not require this process.

Council member Frazier asked if our insurance required anything like this.

Manager Hinson advised Council that the carrier had everyone's name at the city and she assumed that they checked this. She advised Council that she would check with the insurance carrier for the process that they used.

4. Medical Card and CDL's (Commercial Drivers Licenses)

Manager Hinson stated that no one here has a CDL. No one is required to have a medical license at this time.

Council member Lohr stated that the City now has a truck that has air brakes that requires CDL's and a medical card.

Manager Hinson asked if the City is willing to pay someone to go and get their CDL's.

Council member Lohr stated no. It was his opinion that the city paid exceedingly well and though the City should start hiring people who are qualified.

Manager Hinson stated that she understood that, but when the City hired the people that are here now we did not have equipment that required CDL's.

If the City has or will purchase a vehicle that requires the operator to have CDL's, and this was not a requirement at the time they were hired, then the city pays for the employee to obtain their CDL's.

As long as the employee maintains a clean driving record and continues to work for the City, the City will pay for the renewal of the CDL portion of the license renewal. Once the employee leaves it is entirely up to them whether they keep their CDL current.

Manager Hinson discussed with Council the current insurance coverage on all city vehicles. She advised them she would verify what procedures and information was required by the insurance carrier should an employee need to obtain CDL's.

She believed the city's insurance would not require anything but a CDL license.

If Council wants to add additional requirements such as CDL's and two (2) years driving experience, prior to any new hires, it needs to be added in the Personnel Ordinance.

Council member Lohr stated that he had called two (2) insurance carriers in the last month. They advised him that you must have two (2) years driving experience to obtain insurance and one (1) carrier advised him two (2) winter time experiences were needed before they would consider issuing coverage.

Council member Frazier asked Manager Hinson if our insurance was through the League.

She stated that was correct.

Council member Frazier asked if their requirements would be different than a regular insurance company like Mr. Lohr has discussed.

Manager Hinson discussed her prior experience while working with the City of Archdale. If the vehicle required CDL licenses, the operator driving that vehicle had to have CDL's.

If the City required two (2) years experience then that was the City's requirements, not the insurance company. The insurance company assumes that the City has set the standards for their drivers, and all drivers are properly licensed. They don't set the standards, the City does.

When the Personnel Policy is redone if Council wants to list this as a job requirement for new hires, that's fine and it can be added, but currently we do not have that listed as a

requirement. When the current employees were hired this was not an issue, because we did not have equipment that would require having a special license.

Manager Hinson discussed the procedure and requirements used by the City of High Point for their public works department. They require these employees to obtain their CDL license. Once this is completed the employee must maintain a clean driving record. These employees are subject to random drug test at any time by NCDOT.

Council member Lohr discussed some of his experiences and costs involved for a violation involving drivers with CDL's. It was his opinion that was why insurance companies required a statement each year of your driving history.

If something goes wrong the City is liable and that is why we need these things on file.

Manager Hinson advised Council there were copies of each employee's driver's license located in their file and that she would check with the league for their requirements.

Council member Frazier asked if we get Flo (pump truck) in working order, would the person driving that vehicle have to get a CDL license.

Manager Hinson stated that if it met the weight requirements when full, then a CDL license would be required.

Council member Lohr stated this vehicle had air brakes and CDL license were required.

5. Request costs for all lawn mowing equipment.
6. Cost of contract for mowing before we purchased that equipment.

Council member Lohr wanted to know the total costs that we paid an outside contractor before the City took over maintenance on their own.

Manager Hinson advised Council member Lohr that information was provided in the packet that she prepared for him prior to the City Retreat.

Manager Hinson stated that she thought the information was located on the back sheet of the packet and the costs were broken down for 15 months prior to the City hiring an employee. The payment information was broken down into the following categories; contract services, gas, and additional items. She asked Council member Lohr to look at the sheet she provided.

Manager Hinson advised Council member Lohr that we previously had two (2) contractors.

Council member Lohr stated he wanted the total for both contractors. He discussed how compensation was handled for the yards currently since the city has hired an employee and incorporated maintenance into their job duties.

She replied she would have to gather the information concerning compensation for the two (2) contractors, since we paid Mr. Hilton to do the yard maintenance and someone else doing the sewer easements.

Manager Hinson advised Council member Lohr that maintenance is not an expense now because it is incorporated into the job duties of our city employee. When you asked about the sewer right of ways prior and current, the only costs included in the report provide to you earlier would be the charges from Accessible Outfalls. It did not include any yard maintenance. It was charges for maintenance on the sewer outfalls and if assistance was needed on the streets or anything of that nature.

I believe I have broken down the information that you need accept the charges for Mr. Hilton for the mowing at City Hall, cleaning the gutters, and other small ground maintenance items. We had to pay someone else for bush hog services because Mr. Hilton did not have that equipment.

There was discussion between Council member Lohr and Manager Hinson concerning requirements for civilian jobs in comparison to government requirements relating to experience and guarantees concerning length of employment.

Manager Hinson shared that she knew requirements outside of government requirements and guarantees were different. If the City of Trinity ever decides to pay for an employee to further their education, I don't see anything wrong with council requiring or requesting extended terms of employment in return, or that the employee will be required to pay the money back.

Council member Lohr discussed the economy and how truck drivers were being laid off that was being paid \$14.00 per hour. It was his feeling that someone could be hired with experience at this rate

Manager Hinson stated that while she understood Council member Lohr's concern, the city has to have someone that knows something about the sewer, and where the sewer outfalls are located. It is not just about the mowing and driving the truck. When you look at the job description for the Public Works Technician, it consists of more than that.

Council member Lohr felt that the City should be prepared and have records. If the City does not have records and they get involved in a wreck, the City that will be sued and will look foolish because we didn't ask for the appropriate records.

Manager Hinson discussed how the insurance company handled a prior incident. They required all of the information that Mr. Lohr has discussed, as well as completion of a report. The City was not charged in this incident.

XI. Adjournment

With no other business to discuss,

Motion by Council member Bridges to adjourn the March 12, 2013 Pre-Agenda meeting, at 4 p.m. seconded by Council member Frazier, and approved unanimously by all Council members present with Council members Lambeth and Varner absent.

These minutes were approved by the Trinity City Council on May 21, 2013 at their Regular Meeting upon motion by Council member Frazier to approve the minutes as listed on the Consent Agenda. The motion was seconded by Council member Lambeth and approved unanimously by all Council members present. There were no Council members absent at this meeting.

Carlton Boyles, Mayor

Date

Annette deRuyter, Assistant City Clerk

Date